



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/866,857	05/30/1997	DAVID CORBOY	06651/008001	1383

20985 7590 07/31/2002

FISH & RICHARDSON, PC
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO, CA 92122

EXAMINER

HUYNH, CONG LAC T

ART UNIT PAPER NUMBER

2176

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/866,857

Applicant(s)

CORBOY, DAVID

Examiner

Cong-Lac Huynh

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-16, 31-50 and 53-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-16, 31-50 and 53-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communication: amendment filed on 7/1/02 to the application filed on 05/30/97.
2. The finality of the rejection mailed March 29, 2002 was not proper, and therefore is withdrawn in this office action.
3. Claims 12, 51-52 are canceled.
4. Claims 53-62 are added.
5. Claims 1-11, 13-16, 31-50, 53-62 are pending in the case. Claims 1 and 10 are independent claims.
6. The rejections of claims 1, 4, 9-11, 13-16, 31-50 under 35 U.S.C. 103(a) as being unpatentable over Caire in view of Berry have been withdrawn as necessitated by the amendment.
7. The rejections of claims 2-3, 7-8 under 35 U.S.C. 103(a) as being unpatentable over Caire in view of Berry and further in view of Ando have been withdrawn as necessitated by the amendment.
8. The rejections of claims 5-6 under 35 U.S.C. 103(a) as being unpatentable over Caire in view of Berry and further in view of Johnson have been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 4, 9-11, 13-16, 53-55, 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry et al. (US Pat No. 5,692,205, 11/25/97, filed 11/15/96).

Regarding independent claim 1, Berry discloses:

- encapsulating within a single file at least two objects, each object including data for the object and data defining a relationship of the object within a multimedia document (col 2, lines 15-45,... integrate multimedia presentations...includes multiple polymorphic objects which each has associated encapsulated data and functionality, ...encapsulating multimedia data within an object integrates multimedia presentation capability within an object without requiring separate audio or video objects...)
- defining a presentation of each object to a user according to an organization of the file, the organization being controlled by a document author (col 4, lines 51-56 and figure 3C, the video and audio presentation of a performance of the Christmas Carol associated with polymorphic object 38 in window 60 shows defining a presentation of each object to user according to the organization of the

file and such presentation is controlled by a document author since such presentation is programmed by a document author)

Berry does not explicitly disclose that the presentation of each object is arranged so as to be independent of a bandwidth of a communication channel used to send the multimedia document to the user and to incrementally render the objects to the user according to the organization.

Instead Berry discloses that the multimedia file is rendered to a user based on a user selection of choice "Watch" (col 4, line 51 to col 5, lines 1-25). Berry further discloses that the audio object, in addition to video object, are rendered to a user based on the user's selection "Watch" and the user can select rewind, reverse, play, stop, and fast forward to view the multimedia object which is a combination of video and audio (col 4, lines 51-60, figure 3C).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Berry to include the feature of being independent of a bandwidth of a communication channel in sending the multimedia and in incrementally rendering the objects to the user for the following reason. By selecting a choice, a user *communicates with the system* to request the Christmas carol and the audio and video performance of the Christmas carol is rendered to the user *without being dependent to the bandwidth of the communication channel*. Furthermore, the audio, in addition to the video, is rendered to a user based on the user's selection "Watch" and the user can select rewind, reverse, play, stop, and fast forward to view the multimedia object, shows

Art Unit: 2176

the incremental rendering of the objects to a user according to the organization of the multimedia file.

Regarding claim 4, which is dependent on claim 1, Berry discloses:

- creating an exclusionary area within the window (figures 2, area #32 within the window)
- locating an object within the exclusionary area, the object being selected from a group of objects including a framed image, a slide show, framed text, sound data, a separator, or a hyperlink (figures 2, locate and select an object including a framed image from #34-40)

Regarding claim 9, which is dependent on claim 1, Berry discloses:

- creating an object in the file (figure 2, col 3, lines 59-67)
- locating player data within an object defining a player that plays the object (col 1, lines 28-44, col 4, lines 61-67, col 5, lines 1-2)

Berry does not disclose the created object is an unknown object. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Berry to include the created object being an unknown object.

Berry provides a "player" interface for each multimedia object thus no matter the object is known or unknown, the system always locates the player associated with the multimedia object.

Art Unit: 2176

Independent claim 10 is for a computer system of the method claim 1, and is rejected under the same rationale.

Regarding claim 11, which is dependent on claim 10, Berry discloses that at least one object comprises one of a textual file format, an image file format, and a sound file format (figure 3C, col 4, lines 27-56, Christmas carol object includes video and audio, and therefore said object comprises image file format and sound file format).

Regarding claim 13, which is dependent on claim 10, Berry does not explicitly disclose that two or more objects have at least one common attribute, including at least one of a command for perception of the object, an ability to pass and receive a message, and an ability to supply and retrieve the data embodied in the object.

However, Berry discloses integrating multimedia presentations applying the object-oriented technique (col 2, lines 28-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Berry to include a common attribute for two or more objects, passing and receiving a message, supplying and retrieving the data embodied in the object for the following reason since it was well known in the art that having a common attribute for two or more objects, passing and receiving a message, supplying and retrieving the data embodied in the object are the features of the object-oriented method.

Regarding claim 14, which is dependent on claim 10, as disclosed in claim 1, Berry discloses that each object is a generic element of the hierarchical data file structure, such that any combination of objects can be grouped together to form a part of the multimedia document (col 4, lines 17-50).

Regarding claims 15 and 16, which are dependent on claim 10, Berry does not disclose explicitly that the document forms a code segment that receives image information, and wherein the image information is used to construct an image frame for a framed image that is part of the multimedia document. Instead Berry discloses that a multimedia document includes video, which is the image file, and audio, which is the audio file (col 4, lines 43-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Berry to include a code segment that receives image information, and wherein the image information is used to construct an image frame for a framed image that is part of the multimedia document since the image file and the audio file for a multimedia document suggests that the video part and the audio part of a multimedia document are the code segments of the multimedia document.

Regarding claims 53-55, which are dependent on claims 1 and 54, Berry discloses that the presentation comprises a presentation of only a portion of an object to the user (col 2, lines 28-41, based on a user's selection, either audio or video are presented to user). Berry further discloses that the relationship comprises a format of the object which

Art Unit: 2176

comprises a layout, a color, and an appearance of the object (col 2, lines 15-40 and col 4, line 61 to col 5, lines 1-25, the different views for each object suggest the different formats for viewing, and pictorial representation of an object suggests the layout, the color and the appearance of the object).

Claims 58-60 include the same limitations of claims 53-55, and are rejected under the same rationale.

11. Claims 31-50, 56-57, 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry as applied to claim 56 above, and further in view of Caire et al. (US Pat No. 5,663,962, 9/2/97, filed 9/15/95).

Regarding claim 31, which is dependent on claim 56, and claims 32-34, which are dependent on claim 31, Berry does not disclose that the choreography information further comprises a header, an object archive for storing information about one or more objects, the object archive including information about the relationship of the object file with the document, and a multiplex section including data for the objects in the document.

Caire discloses:

- a header (col 1, lines 65 to col 2, lines 1-2, each packet in the overall stream includes a header)

Art Unit: 2176

- an object archive for storing information about the plurality of object files, the object archive including information about *the level of each object file with the hierarchy* (col 1, lines 65 to col 2, lines 1-2, each packet of the multimedia stream stores information; col 1, lines 37-52, it is desired for instance to *insert into the complete stream also some subtitles* to be displayed during the presentation....)
- a multiplex section including data for each of the object files of the document (col 1, lines 65 to col 2, lines 1-9, 45-59)
- the object files in the multiplex section are each played by a player as the multiplex object file is received by a receiver (col 1, lines 65 to col 2, lines 1-2)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Caire into Berry since Caire provides the choreography and the multiplexing features for a multimedia presentation. The combination of Caire and Berry would provide the relationship of the objects in a multimedia document for easily controlling and changing the presentation of the objects.

Regarding claims 35, 36-39, which are dependent on claims 31 and 35 respectively, Berry does not disclose an object number counter indicating the number of objects, a plurality of object descriptions, each object description describing a corresponding one of the objects, and a choreography group providing information about a first group of objects, a group object counter indicating the number objects in the choreography group, size and type data for each object, header data, data slices of the objects interleaved together, and placing one or more slice size data blocks before one or more

Art Unit: 2176

of the interleaved data slices, each slice size data block corresponding to a data slice and providing a size of the corresponding data slice.

Caire discloses:

- an object number counter indicating the number of object files (col 2, lines 10-20)
- a plurality of object descriptions, each object description describing a corresponding one of the object files (col 1, lines 65 to col 2, lines 1-2, the header includes information of the type of a packet in the multimedia stream)
- a choreography group providing information about a first group of object files (col 1, lines 65 to col 2, lines 1-2, packets of different types are included in the overall stream as a sequence of intervals wherein the type of a packet is disclosed in the heading are considered as a choreography group providing information about the object files)
- size and type data for each object file (col 1, lines 65 to col 2, lines 1-2, data type of each packet in the multimedia stream)
- header data (col 1, lines 65 to col 2, lines 1-2, each packet includes a header)
- the data slices of the object files interleaved together (col 1, lines 65 to col 2, lines 1-2, the overall stream is structured as a sequence of intervals called packets, each of which contains data of single type, indicated in a header of the packet itself; since data of different types are arranged in the *sequence of intervals called packets*, the packets which are equivalent to the object files, are interleaved together)

Art Unit: 2176

- a first player pointer including an address of a player that plays the choreography group (col 2, lines 3-9, for each interval, the multiplexer has to decide from which the input stream it should take the data in order to construct the packets; this implies that the multiplexer has to decide where to point to to play the overall stream which is equivalent to the choreography group as mentioned above)
- locating a plurality of slice size data blocks before the interleaved data slices, each slice size data block corresponding to one of the data slices and providing a size of the corresponding data slice (col 4, lines 45-53, the number of data bytes and the number of header bytes in each packet show the size of each packet which is equivalent to the data block)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Caire into Berry since Caire provides the choreography and the multiplexing features for a multimedia presentation. The combination of Caire and Berry would provide the relationship of the objects in a multimedia document for easily controlling and changing the presentation of the objects.

Regarding claim 40, which is dependent on claim 31, Berry does not disclose a non-multiplex section following the multiplex section where the non-multiplex section includes one or more separate objects that are not played by a player as the separate object files are received by a receiver. Caire discloses a plurality of separate object files that are not played by a player as the separate object files are received by a receiver

Art Unit: 2176

(col 1, lines 37-45, ...*video and audio information have to be separated* again, by an inverse of demultiplexing process, as presentation occurs on different devices...).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Caire into Berry since Caire provides the choreography and the multiplexing features for a multimedia presentation. The combination of Caire and Berry would provide the relationship of the objects in a multimedia document for easily controlling and changing the presentation of the objects.

Claims 41-50 are for a computer system of the method claims 31-40, and are rejected under the same rationale.

Regarding claims 56-57, which are dependent on claim 1 and 56 respectively, Berry does not disclose the choreography information comprising a position and a time at which at least a portion of an object is rendered to the user.

Caire discloses the overall stream structured as a sequence of intervals called packets, each of which contains data of single type indicated in a header of the packet itself (col 1, line 65 to col 2, lines 1-2) where the time set by information contained in the packets (col 4, lines 46-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Caire into Berry since Caire provides the choreography information for arranging the media wherein the media stream is a *sequence* of packages of media with timing information for presenting to users. The combination of

Caire and Berry would show the relationship of the objects in a multimedia document for easily controlling and changing the presentation of the objects.

Claims 61-62 include the same limitations as in claims 56-57, and are rejected under the same rationale.

12. Claims 2-3, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry as applied to claim 1 above, and further in view of Ando (US Pat No. 5,600,826, 2/4/97).

Regarding claims 2 and 3, which is dependent on claim 1, Berry does not disclose changing at least an object in the data file and adding at least an object to the data file.

Ando discloses:

- changing one object in the data file (col 6, lines 43-63)
- adding an object to the data file (col 6, lines 43-63)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Ando into Berry since Ando provides the ability of editing objects, which can comprises of changing and editing objects, in a structured data in which data elements are arranged in the order of depth (titles and subtitles). The combination of Ando into Berry would enhance the displaying of multimedia documents by modifying the displayed objects.

Regarding claim 7, which is dependent on claim 1, Berry does not disclose that each object has an address indicating a player that plays the object.

Ando discloses that each object has an object identifier that stores the position information of a data element (col 1, lines 9-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Ando into Berry since Ando provides the object identifier, which is an object address, to recognize the object in the multimedia document to be played.

Regarding claim 8, which is dependent on claim 1, Berry does not disclose compressing information in each object.

Ando discloses a data compression/development device can, of course, be incorporated into a structured data processor (col 6, lines 38-43).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Ando into Berry since Ando has the ability of compressing data for high-speed data transmission. This implies there is also an information compressing in each object.

13. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry as applied to claim 1 above, and further in view of Johnson (US Pat No. 5,892,847, 4/6/99, filed 4/22/96).

Art Unit: 2176

Regarding claims 5 and 6, which are dependent on claims 1 and 5 respectively, Berry does not disclose defining as well as locating the update splash image within the data file.

Johnson discloses:

- splash image data defining a splash image and locating the splash image data within the data file for displaying the splash image on the computer display (col 4, lines 30-50)
- further updating the splash image to be displayed (col 4, lines 30-63)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Johnson Berry since Johnson shows the process of displaying of a splash image, which is an element of a multimedia document.

Response to Arguments

14. Applicant's arguments with respect to claims 1-11, 13-16, 31-50, 53-62 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that neither Caire nor Berry, alone or in combination, teach or suggest the feature "presentation being arranged so as to be independent of a bandwidth of a communication channel used to send the multimedia document to the user and to incrementally render the object to the user according to the organization" in claims 1 and 10.

Art Unit: 2176

Examiner agrees that Berry does not explicitly disclose that the presentation of each object is arranged so as to be independent of a bandwidth of a communication channel used to send the multimedia document to the user and to incrementally render the objects to the user according to the organization.

However, Berry discloses that the multimedia file is rendered to a user based on a user selection of choice "Watch" (col 4, line 51 to col 5, lines 1-25). Berry further discloses that the audio object, in addition to video object, are rendered to a user based on the user's selection "Watch" and the user can select rewind, reverse, play, stop, and fast forward to view the multimedia object which is a combination of video and audio (col 4, lines 51-60, figure 3C).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Berry to include the feature of being independent of a bandwidth of a communication channel in sending the multimedia and in incrementally rendering the objects to the user for the following reason. By selecting a choice, a user *communicates with the system* to request the Christmas carol, and the audio and video performance of the Christmas carol is rendered to the user *without being dependent to the bandwidth of a communication channel*. Furthermore, the audio, in addition to the video, is rendered to a user based on the user's selection "Watch" and the user can select rewind, reverse, play, stop, and fast forward to view the multimedia object, shows the incremental rendering of the objects to a user according to the organization of the multimedia file.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morris al. (US Pat No. 6,097,389, 8/1/00, filed 10/24/97).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is (703)-305-0432. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. The fax number to this Art Unit is (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

Application/Control Number: 08/866,857
Art Unit: 2176

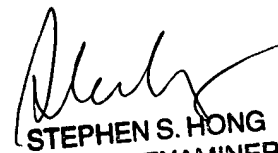
Page 18

(703) 308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA. Sixth Floor (Receptionist).

clh

7/12/02


STEPHEN S. HONG
PRIMARY EXAMINER